

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1245 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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HARSHADKUMAR DHIRAJLAL AUNDKAT

Versus

ASSISTANT COLLECTOR

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Appearance:

MR MANOJ N POPAT for Petitioner

MR UDAY BHATT,A.G.P.for respondents

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CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 07/01/97

ORAL JUDGEMENT

Rule.

Mr.Uday Bhatt, learned A.G.P. waives service of rule on behalf of respondents.

2. The petitioner Harshadkumar D. Aundkat was allotted a piece of land admeasuring 1277.40 sq.mts. out of survey No.707 situated at village Dhrol by the order dated 9-7-1982 for constructing a factory premises for the purpose of manufacturing soap and other products. It appears that the petitioner could not make the construction within the stipulated period. Therefore, the Assistant Collector, Jamnagar by his order dated 9-8-1989 ordered to take back the possession of the said land on account of the breach committed by the present petitioner. The petitioner had preferred an appeal against the said order before the Collector of Jamnagar and the same was rejected. Therefore, he had preferred Revision Application before the Gujarat Revenue Tribunal which has also been rejected on 12-10-95 and hence,the petitioner has come before this court.

3. The petitioner has stated in the petition various reasons for his inability to make construction in question. The reasons given by the petitioner for non-making of the use of the said land needs consideration and as they were not putforth before the Collector of Jamnagar by him, there was no consideration

of the same. Therefore, in the circumstances, I am of the view that an opportunity should be given to the petitioner to approach the Collector of Jamnagar within a period of 2 weeks from today by making a detailed representation as to why he was not in a position to make construction and why the action proposed against him should not be taken against him. On his making such a representation, the Collector of Jamnagar should consider and decide the same according to rules and regulations within a period of 4 weeks from the date of his making representation and he should serve the order of his decision on the petitioner. The petitioner should not seek adjournment before the Collector and should make his representation within 2 weeks from today without failure and the Collector should decide the same after affording a reasonable opportunity of being heard to the petitioner.

4. With the aforesaid directions, petition is disposed of with no orders as to costs. Rule is made absolute accordingly. Direct Service.

Dt.07-01-97. (S. D. Pandit, J. )